

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
TIGRA ROBERTSON,  
Defendant.

Case No. CR06-5528FDB

ORDER DENYING DEFENDANT'S  
MOTION FOR NOTICE RE  
GOVERNMENT'S INTENTION TO  
USE SPECIFIC EVIDENCE

Defendant Robertson moves for notice of the Government's intention to use specific evidence at trial; that is that the Government be ordered "to provide notice of its intent to use any specific evidence arguably subject to suppression." Defendant argues that he is entitled to this notice in order that he may bring any necessary pretrial suppression motions with respect to the evidence. Additionally, while acknowledging that Rule 12(b)(4)(b) refers only to evidence that the Government intends to use in its case-in-chief, this Court should use its inherent authority to order the Government to disclose what evidence it intends to use in rebuttal.

The Government responds that it has met its obligations by (a) providing discovery that meets and exceeds its legal obligations (including disclosure of search warrants, search warrant returns, and reports, inventories, and photographs of seized evidence); and (b) by filing an exhibit list

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1 that identifies all of the physical, documentary, and electronic evidence it plans to offer at trial. The  
2 Government argues that it is not required it is not required to do a legal analysis to identify which  
3 items of evidence are “arguably” subject to suppression, that this is defense counsel’s job.

4 Defendant’s motion must be denied, as the Government has provided not only voluminous  
5 discovery in this case , but an exhibit list identifying the evidence that it plans to offer at trial. The  
6 Government need not do more pursuant to Fed. R. Crim. P. 12(b)(4)(B) and identify that evidence  
7 that is “arguably” subject to suppression.

8 ACCORDINGLY, IT IS ORDERED: Defendant’s Motion for Notice Re Intention To Use  
9 Specific Evidence [Dkt. # 234] is DENIED.

10 DATED this 7<sup>th</sup> day of August, 2007.

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12 FRANKLIN D. BURGESS  
13 UNITED STATES DISTRICT JUDGE  
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